

## SENATE BILL NO. 248

INTRODUCED BY JOE BALYEAT, JOHN BALYEAT, HAWK, SHOCKLEY, WELLS

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PENALTY FOR DRIVING WITHOUT MANDATORY MOTOR VEHICLE LIABILITY INSURANCE; PROVIDING THAT FOR A SECOND OR SUBSEQUENT OFFENSE, UPON PRESENTING PROOF OF INSURANCE, A DRIVER MUST BE ISSUED A RESTRICTED REGISTRATION RECEIPT THAT ALLOWS THE MOTOR VEHICLE INVOLVED IN THE OFFENSE TO BE OPERATED ONLY FOR EMPLOYMENT PURPOSES; ~~AND~~ AMENDING SECTION 61-6-304, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 61-6-304, MCA, is amended to read:

**"61-6-304. Penalties.** (1) Conviction of a first offense under 61-6-301 or 61-6-302 is punishable by a fine of not less than \$250 or more than \$500 or by imprisonment in the county jail for not more than 10 days, or both. A second conviction is punishable by a fine of \$350 or by imprisonment in the county jail for not more than 10 days, or both. A third or subsequent conviction is punishable by a fine of \$500 or by imprisonment in the county jail for not more than 6 months, or both.

(2) Upon a second or subsequent conviction under 61-6-301 or 61-6-302, the sentencing court shall order the surrender of the vehicle registration receipt and license plates for the vehicle operated at the time of the offense if that vehicle was operated by the registered owner or a member of the registered owner's immediate family or by a person whose operation of that vehicle was authorized by the registered owner. The court shall send the receipt and plates, along with a copy of the complaint and dispositional order, to the department, which shall immediately suspend the receipt and plates ~~for a period of 90 days from the date of a second conviction or 180 days from the date of a third or subsequent conviction.~~ The receipt and plates may not be reinstated until ~~the expiration of that period and until~~ proof of compliance with 61-6-301 is furnished to the department, but if the vehicle is transferred to a new owner, the new owner is entitled to register the vehicle. Upon proof of compliance with 61-6-301, during the period of 90 days from the date of a second conviction or 180 days from the date of a third or subsequent conviction, the department shall issue a restricted registration receipt and return the license plates to the offender. A restricted registration receipt limits the use of the motor

1 vehicle operated at the time of the offense to use solely for employment purposes. Upon the expiration of the  
2 appropriate time period, the department shall issue a regular registration receipt to the owner of the vehicle. The  
3 department may establish fees for the restricted registration receipts issued pursuant to this subsection.

4 (3) Upon a fourth ~~and~~ or subsequent conviction under 61-6-301 or 61-6-302, the court shall order the  
5 surrender of the driver's license of the offender, if the vehicle operated at the time of the offense was registered  
6 to the offender or a member of the offender's immediate family. The court shall send the driver's license, along  
7 with a copy of the complaint and the dispositional order, to the department, which shall immediately suspend  
8 the driver's license. The department may not reinstate a driver's license suspended under this subsection until  
9 the registered owner provides the department proof of compliance with 61-6-301 and the department determines  
10 that the registered owner is otherwise eligible for licensure.

11 (4) The court may suspend a required fine only upon a determination that the offender is or will be  
12 unable to pay the fine.

13 (5) A court may not defer imposition of penalties provided by this section.

14 (6) An offender is considered to have been previously convicted for the purposes of sentencing if less  
15 than 5 years have elapsed between the commission of the present offense and a previous conviction."  
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17 NEW SECTION. SECTION 2. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND APPROVAL JULY  
18 1, 2005.

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